



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT

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5/ Terminal
Disclaimer

In re:

Serial #: 09/944,994
For: Method and Apparatus for Vending a Containerized Liquid Product Utilizing an Automatic Self-Service Refill System
Filed: August 30, 2001
Inventor: Laurie J. Brown
GAU: 2876
Examiner: Diane I. Lee
Docket #: BrownLaurie-010614

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Laurie J. Brown, the inventor, and Restore Products, the sole assignee of interest in the present application and in U.S. patent 6,578,763, do hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,578,763. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

BY:

Albert W. Watkins
Agent of Record
reg. no. 31,676

9/16/2003 SACKLEY
FC:2814

suggest to combine a machine-readable code unique to an organization with a product label, and responsive to a filling of the labeled product container compensating the organization. As outlined herein above, the references themselves must intrinsically suggest or teach the combination, such teaching which is completely devoid in either Bradbury or Hovakimian.


Double Patenting

Claims 11 - 13 have been canceled by way of the present amendment. Claims 1 - 10 are the subject of an obviousness-type double patenting rejection. A proposed terminal disclaimer is attached herewith for the Examiner's review, though not executed, pending decision on the merits of the claims herein in view of the fact that not all pending claims are subject to this double-patenting rejection. In the event the Examiner finds all other matters resolved in the present application, the Examiner is hereby invited to advise the applicant's representative of the same to obtain an executed copy of the terminal disclaimer herein and thereby advance prosecution.

Conclusion

These amendments are believed to place the present application in condition for allowance, in view of the above remarks, and no new matter is introduced. The Examiner is therefore respectfully requested to reconsider the rejections and indicate the patentability. If there remain open issues in this application, the Examiner is respectfully requested to call the undersigned at 320-363-7296 to further discuss the advancement of this application. Please charge all fees associated with this correspondence to deposit account 17-0155.

Sincerely,




Albert W. Watkins

reg. 31,676

TERMINAL DISCLAIMER
APPROVED

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SHARON S. HOPPE
PARALEGAL SPECIALIST
TECHNOLOGY CENTER 2800